

**FILED**

**MAY 24 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

In re: JAMES LAMONT RICHARDSON,

No. 05-76136

JAMES LAMONT RICHARDSON,

D.C. No. CR-97-05129-OWW

Petitioner,

MEMORANDUM<sup>\*</sup>

V.

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
CALIFORNIA,

Respondent,

UNITED STATES OF AMERICA,

Real Party in Interest.

Petition for Writ of Mandamus

Submitted April 7, 2006  
San Francisco, California

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

Before: SCHROEDER, Chief Judge, and TROTT, Circuit Judge, and  
RHOADES<sup>\*\*</sup>, District Judge.

Petitioner has filed a petition for writ of mandamus pursuant to 28 U.S.C. § 1651(a) seeking an order (1) directing the United States to provide petitioner with a certified copy of his complete trial transcript and various discovery materials, and (2) declaring that the time limit for the filing of his § 2255 habeas petition has been equitably tolled. During the pendency of this appellate proceeding, the district court entered an order granting petitioner the requested relief. Accordingly, the petition for writ of mandamus is moot.

THE PETITION FOR WRIT OF MANDAMUS IS DENIED AS MOOT.  
NO PETITIONS FOR REHEARING WILL BE ACCEPTED. THE MANDATE  
SHALL ISSUE FORTHWITH.

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<sup>\*\*</sup> The Honorable John S. Rhoades, Sr., Senior United States District Judge for the Southern District of California, sitting by designation.